

Senate Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 47

SENATE BILL 1082

AN ACT

AMENDING SECTION 36-2935, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA
HEALTH CARE COST CONTAINMENT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-2935, Arizona Revised Statutes, is amended to
3 read:
4 36-2935. Estate recovery program; liens
5 A. The director shall adopt rules in accordance with state and federal
6 law to allow the administration to file a claim against a member's estate to
7 recover paid assistance. The administration is also entitled to a lien on a
8 member's property to recover paid assistance the member receives.
9 B. A MEMBER'S PERSONAL REPRESENTATIVE MUST NOTIFY THE ADMINISTRATION
10 OF THE MEMBER'S ESTATE OR PROPERTY WITHIN THREE MONTHS AFTER THE MEMBER'S
11 DEATH IF THE MEMBER WAS AT LEAST FIFTY-FIVE YEARS OF AGE AND THE
12 ADMINISTRATION HAS NOT ALREADY FILED A STATEMENT OF CLAIM IN THE ESTATE
13 PROCEEDINGS.
14 C. As nearly as is possible, the administration shall recover charges
15 pursuant to the procedures prescribed in sections 36-2915 and 36-2916. If
16 both the administration and a county have valid liens for paid assistance
17 provided to the same member, or if both the administration and a special
18 health care district have valid claims for paid assistance provided to the
19 same member, the value of the property shall be divided between the
20 administration, the special health care district and the county pro rata
21 according to the amounts of their respective liens.
22 D. The administration shall impose liens in a manner consistent with
23 federal law.
24 E. This section also applies to persons who are eligible pursuant to
25 section 36-2901, paragraph 6, subdivision (a) and who receive medical
26 assistance under article 1 of this chapter.

APPROVED BY THE GOVERNOR APRIL 6, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2006.